



# Deregulation and Contracting Out Act 1994

## 1994 CHAPTER 40

### PART I

#### DEREGULATION

#### CHAPTER I

#### GENERAL

#### *Removal or reduction of burdens*

### **2 Limitations on the power under section 1**

- (1) If an order under section 1 above creates a new criminal offence, then, subject to subsections (2) and (3) below, that offence shall not be punishable—
  - (a) on indictment with imprisonment for a term of more than two years; or
  - (b) on summary conviction with imprisonment for a term exceeding six months or a fine exceeding level 5 on the standard scale or both.
- (2) In the case of an offence which, if committed by an adult, is triable either on indictment or summarily and is not an offence triable on indictment only by virtue of—
  - (a) Part V of the Criminal Justice Act 1988, or
  - (b) section 457A(4) of the Criminal Procedure (Scotland) Act 1975,the reference in subsection (1)(b) above to level 5 on the standard scale shall be construed as a reference to the statutory maximum.
- (3) If an order under section 1 above abolishes an offence contained in the relevant enactment and the maximum penalties for that offence are greater than those specified in subsection (1) above, the order may create a new criminal offence having maximum penalties not exceeding those applicable to the offence which is abolished.

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*Status: This is the original version (as it was originally enacted).*

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- (4) An order under section 1 above shall not contain any provision—
- (a) providing for any forcible entry, search or seizure, or
  - (b) compelling the giving of evidence,
- unless, and then only to the extent that, a provision to that effect is contained in the relevant enactment and is abolished by the order.